

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

DANNY B. STILLMAN,

OCT 23 2001

Plaintiff,

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

v.

CASE NO. 1:01CV01342

DEPARTMENT OF ENERGY, et al.,

Judge Emmet G. Sullivan

Defendants.

NOTICE OF FILING

Pursuant to the direction of the Court, defendants submit the attached scheduling order for the Court's consideration. Plaintiff does not consent to the schedule proposed by defendants and will be submitting his own proposal. Defendants believe the attached schedule – deferring the filing of defendants' motion for summary judgment until after a ruling on Plaintiff's Motion to Compel Defendants to Permit His Attorney's Access to Classified Manuscript and Pleadings (filed Oct. 19, 2001) – is necessary in order to allow defendants a reasonable time to reassess their litigation strategy and to consider seeking leave of this Court to file an interlocutory appeal if the Court orders the government to disclose classified information to plaintiff's counsel. Defendants also note that negotiations are still ongoing and that it is thus premature to propose a briefing schedule with specific dates at this time, even putting aside the issue of whether the Court can and should order the government to disclose classified information to plaintiff's counsel.

Respectfully submitted,

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Ex. D

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Dated: October 23, 2001

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